

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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LEROY JACKSON

Petitioner

-vs-

JULIUS WILSON

Respondent  
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: CASE NO. 1:06 CV 0059

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:  
: ORDER ADOPTING REPORT AND  
: RECOMMENDATION AND ENTERING  
: JUDGMENT IN FAVOR OF THE  
: RESPONDENT  
:  
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

On 10 January 2006, Leroy Jackson filed a petition for writ of habeas corpus under 28 U.S.C. §2254. (Doc. 1). On 22 February 2006, the matter was referred to United States Magistrate Judge Nancy A. Vecchiarelli for a Report and Recommendation ("R&R"). (Doc. 5). Respondent, Julius Wilson, filed an answer and return of writ on 18 April 2006. (Doc. 6). On 14 May 2007, Magistrate Judge Vecchiarelli filed her Report and Recommendation, advising that Mr. Jackson's application for a writ of habeas corpus be denied. (Doc. 9).

No party has objected to the Magistrate Judge Vecchiarelli's Report and Recommendation. Therefore, it must be assumed that the parties are satisfied with the conclusions in the R&R. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985);

Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991);  
United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

#### Certificate of Appealability

Under 28 U.S.C. § 2253(c)(2), the Court must also determine whether a certificate of appealability should be granted. A certificate should issue if Mr. Jackson has demonstrated a “substantial showing of a denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The Sixth Circuit has disapproved issuance of blanket denials of a certificate of appealability. Murphy v. Ohio, 263 F.3d 466, 467 (6th Cir.2001). Rather, this Court must “engage in a reasoned assessment of each claim” to determine whether a certificate is warranted. Id. at 467. Each issue must be considered under the standards set forth by the Supreme Court in Slack v. McDaniel, 529 U.S. 473 (2000). Murphy, 263 F.3d at 467. Consequently, this Court has examined Mr. Jackson’s claims pursuant to the standard laid down in Slack.

Under Slack, 529 U.S. at 484, to warrant a grant of the certificate, “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” For the reasons discussed at length in Magistrate Judge Vecchiarelli’s thorough R&R, the Court finds that reasonable jurists could not find this Court’s dismissal of Mr. Jackson’s claims debatable or wrong. Thus, the Court will deny Mr. Jackson a certificate of appealability.

#### Conclusion

The Court adopts Magistrate Judge Vecchiarelli’s Report and Recommendation finding each of Mr. Jackson’s three asserted grounds for habeas relief procedurally

defaulted. Leroy Jackson's petition for a writ of habeas corpus is denied and his petition is dismissed with prejudice. Judgment is entered in favor of the respondent, Julius Wilson.

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE

Dated: 8 June 2007